

TN Agent 0957638

BEFORE THE COMMISSIONER OF COMMERCE AND INSURANCE
FOR THE STATE OF TENNESSEE

TENNESSEE INSURANCE DIVISION,

Petitioner,

vs.

Gene T. Fowler,

Respondent.

No: 07-089

CONSENT ORDER

WHEREAS, the Insurance Division of the State of Tennessee Department of Commerce and Insurance ("Division"), by and through counsel, and Gene T. Fowler ("Respondent"), hereby stipulate and agree, subject to the approval of the Commissioner of Commerce and Insurance ("Commissioner"), as follows:

GENERAL STIPULATIONS

1. It is expressly understood that this Consent Order is subject to the Commissioner's acceptance and has no force and effect until such acceptance is evidenced by the entry of the Commissioner.

2. The Commissioner has determined that the resolution set forth in this Consent Order is fair and reasonable and in the best public interest.

3. This Consent Order is executed by Respondent for the purpose of avoiding further administrative action with respect to this cause. Furthermore, should this Consent Order not be accepted by the Commissioner, it is agreed that presentation to and consideration of this Consent Order by the Commissioner shall not unfairly or illegally prejudice the Commissioner from further participation or resolution of these proceedings.

4. Respondent fully understands that this Consent Order will in no way preclude additional proceedings by the Commissioner against Respondent for acts and/or omissions not specifically addressed in this Consent Order or for facts and/or omissions that do not arise from the facts or transactions herein addressed. Respondent also understands that this Consent Order may be used by the Commissioner or any Commissioner, Department or Board to revoke or refuse to issue any license Respondent currently holds or for which he applies in the future.

5. Respondent expressly waives all further procedural steps and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of this Consent Order, the stipulation and imposition of discipline contained herein and the consideration and entry of said Consent Order by the Commissioner.

FINDINGS OF FACT

6. Respondent is a citizen of Tennessee and a resident of Madison. His mailing address is 1201 Cheyenne Boulevard, Apartment 408, Madison, Tennessee 37115.

7. On or about August 16, 2006, Respondent submitted an application to sell pre-paid legal insurance to the Division. On the application, Respondent answered "no" to question two in the Background Information Section: "Have you or any business in which you are or were an owner, partner, officer or director ever been involved in an administrative proceeding regarding any professional or occupational license?"

8. On or about August 25, 2006, the Division issued Respondent a limited insurance producer license to sell pre-paid legal services, numbered 957638. On August 27, 2007, Respondent renewed the license and the license is now set to expire on August 24, 2009.

9. On or about April 16, 2007, Respondent submitted an insurance producer application to the Division to sell life, accident and health insurance. On the application, Respondent answered "yes" to question two in the Background Information Section: "Have you or any business in which you are or were an owner, partner, officer or director ever been involved in an administrative proceeding regarding any professional or occupational license?" and wrote, "I will bring in a copy of agreed Revocation, 2/12/1990".

10. On or about August 20, 2007, Respondent submitted to the Division a copy of an Agreed Order of Revocation he entered into with the Kentucky Department of Insurance on February 12, 1990. In that order, he voluntarily agreed to surrender his Kentucky insurance agent's license after being charged with financial irresponsibility in the conduct of his affairs under his license. He did not admit to the charge in the Agreed Order.

CONCLUSIONS OF LAW

9. Tenn. Code Ann. § 56-6-112(a)(1) provides that the Commissioner may place on probation, suspend, revoke, or refuse to issue or renew any license under this part if she finds that one holding an insurance producer license has provided incorrect, misleading or materially untrue information in the license application.

10. Tennessee Code Annotated § 56-6-112(a)(9) provides that the Commissioner may place on probation, suspend, revoke, or refuse to issue or renew any license under this part if she finds that one holding an insurance producer license had the license denied, suspended or revoked in any other state, province, district or territory.

11. Based upon the Findings of Fact cited above, the Commissioner concludes that Respondent's actions violated Tenn. Code Ann. §§ 56-6-112(a)(1) and (9) and provide grounds for

sanctions under Tenn. Code Ann. § 56-6-112(a) and for the issuance of this Order.

12. Respondent admits to the Findings of Fact cited above and admits that such findings subject him to sanctions pursuant to Tenn. Code Ann. § 56-6-112(a). Respondent further admits that the Conclusions of Law, above, are fair and reasonable. In order to avoid any further expenses or costs associated with litigating this matter, Respondent hereby desires to enter into this Consent Order.

ORDER

NOW THEREFORE, on the basis of the foregoing and the waiver of Respondent of his rights to a hearing and appeal under the Law and Tennessee's Uniform Administrative Procedures Act, Tenn. Code Ann. §§ 4-5-101 *et seq.*, and the admission by Respondent of the jurisdiction of the Commissioner, the Commissioner finds that Respondent has agreed to the entry of this Consent Order and that this Consent Order is appropriate and in the public interest.

IT IS ORDERED, pursuant to Tenn. Code Ann. § 56-6-112(a) that:

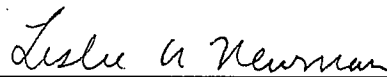
The limited insurance producer license, numbered 957638, issued to Gene T. Fowler, is hereby **REVOKED**.

This Consent Order is in the public interest and in the best interests of the parties, and represents a compromise and settlement of the controversy between the parties and is for settlement purposes only. By signature affixed below, Gene T. Fowler, affirmatively states that he has freely agreed to the entry of this Consent Order, that he has been advised that he may consult with legal counsel in this matter, and has had the opportunity to consult with legal counsel, that he waives his right to a hearing on the matters underlying this Consent Order and that no threats or promises of any kind have been made by the Commissioner, the Division or any agent thereof.

The parties, by signing this Consent Order, affirmatively state their agreement to be bound by the terms of this Consent Order and aver that no promises or offers relating to the circumstances described herein, other than the terms of settlement set forth in this Consent Order, are binding upon them.

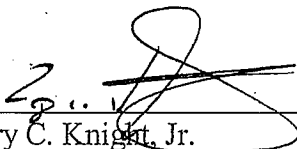
SO ORDERED.

ENTERED this the 4th day of January 2008, 2007.

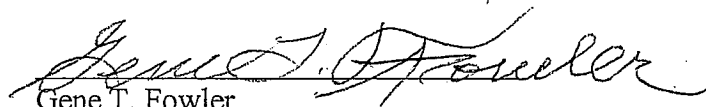


Leslie A. Newman, Commissioner
Department of Commerce and Insurance

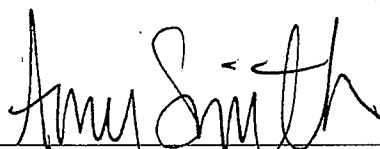
APPROVED FOR ENTRY:



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